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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

In reply refer to:
B-196261

February 20, 1980

Mr. Leon Ray Pollick
P.O. Box 833
Standfield, Oregon 97875

Dear Mr. Pollick:

We refer to your letter of January 2, 1980, in which you expressed dissatisfaction with our decision B-196261, November 14, 1979, denying your application for waiver of your debt to the United States and with the letter of December 18, 1979, denying your request for reconsideration.

You state that you object to our finding that you were partially at fault. Your contention is based on the fact that within 4 months of the time you began to receive the erroneous payments in question you were promoted to E-4, received a pay raise for 3 years' service and a Navy wide pay increase went into effect.

In our decision of November 14, 1979, we recognized that the above events did occur. As we pointed out on page 2 of that decision, however, even though these events did occur your pay increased significantly more than you could have reasonably expected. Thus, you should have been on notice that you were receiving overpayment of some kind. As such, you had an obligation to pursue the matter until a full explanation was furnished you. The fact that you compared your paycheck with other members of the Navy does not fulfill this obligation since each member's net pay will vary depending upon such factors as number of dependents, allowances, savings deductions and other mandatory and discretionary allotments.

Moreover, it is well established that a person receiving money erroneously paid by a Government agency or official acquires no right to the money and is liable to make restitution. Restitution results in no loss to the recipient, since he merely received something which he was never entitled to have in the first place.

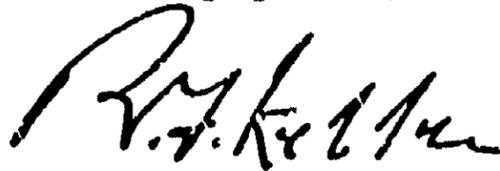
You also contend that waiver should be granted as repayment would cause you financial hardship. As we

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pointed out to you on page 3 of our decision, financial hardship alone resulting from collection, is not a sufficient reason to retain the payments a person should have known did not belong to him. Thus, as we stated previously, we find that denying your claim for waiver is neither against equity and good conscience nor contrary to the best interests of the United States.

We regret that you find the conclusions with respect to your claim to be unsatisfactory. However, you have presented no new or additional evidence upon which we might base a reversal of our previous decision.

Sincerely yours,



Deputy Comptroller General
of the United States